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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,716	01/04/2001	Christian M. Hoebener	DAL0002.01	2096

27187 7590 06/04/2002  
BAKER & DANIELS  
205 W. JEFFERSON BOULEVARD  
SUITE 250  
SOUTH BEND, IN 46601

EXAMINER

LE, TAN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 06/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/754,716**

Applicant(s)  
**Hoebener et al.**

Examiner  
**Tan Le**

Art Unit  
**3632**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 20, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 21-30 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 9-11, 21-24, and 26-29 is/are rejected.
- 7) ☒ Claim(s) 2-8, 12-15, 25, and 30 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 3632

### **DETAILED ACTION**

1. This is the second office action for serial number 09/754,716, Mount for TV Monitor, filed on 01/04/01. This application contains 25 claims numbered 1-15 and 21-30. Claims 16-20 have been canceled. Claims 21-30 have been added.

#### ***Claim Rejections - 35 USC § 112***

2 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 recites the limitation "the frame" in line 2. This limitation lacks antecedent basis.

#### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 9, 10, 11, 21-24, 26 and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,400,993 to Hamilton. For purpose of this discussion, please refer to previous attached marked-up copy.

Art Unit: 3632

Hamilton discloses a mount 10 including a frame 14, 16, 18, an upper catch part 112 with a slot 112a therein that is located centrally to side portions 50, 52 of the frame, and a swivel part 108, 108a suspended from a support 108b wherein the swivel part is fitted into the slot and engages the catch part (note Figs. 1-3). Hamilton also discloses that the catch part includes a tubular member 116 and a mount includes a rotation member. The rotation member is the pin that fastens the upper catch part to frame part 48 for allowing rotation about vertical axis V (note Figs. 1 and 5). See also Hamilton, column 5, lines 21-30. In addition, Hamilton discloses the swivel part that includes a barrel-shaped 110, the barrel-shaped swivel part engaging the catch part and the barrel-shaped swivel part being moveable relative to the catch part to tilt the appliance; the swivel being restrained from horizontal movement relative to the catch part; the swivel part is also attached to the support assembly (not shown) and also attached to a frame; the catch part includes a retainer 118 intersected by a slot, the retainer having an arcuate portion (ring) located adjacent the barrel-shaped member.

#### *Allowable Subject Matter*

5. Claims 2-8, 12-15, 25 and 30 are objected to, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


Art Unit: 3632

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Le, whose telephone number is ( 703) 305-8244. The Examiner can normally be reached on Monday through Thursday and on alternate Fridays from 7:00 A.M. to 4:30 P.M. The fax numbers for the Group are ( 703) 305-3597 or (703) 305-7687 (for formal communication), and ( 703) 308-3519 (for informal communication).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Group receptionist at 703.308.2168.

**TAN LE**  
**PATENT EXAMINER**

  
**LESLIE A. BRAUN**  
**SUPERVISORY PATENT EXAMINER**

09754716.2f  
May 30, 2002.